

## **REMARKS**

### **Summary of the Office Action**

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0061059 to Gobel et al. (hereinafter "Gobel").

### **Request for Clarification of the Office Action**

The Office Action Summary (form PTOL-326) that accompanied the Office Action indicates that the specification is objected to by the Examiner. However, the Office Action does not include the details of any such objection. Accordingly, it is respectfully submitted that the Summary was in error and that there is no objection to the specification.

Also, the Office Action Summary does not acknowledge the Information Disclosure Statement that was filed January 22, 2007. It is respectfully requested that the Examiner consider the documents listed on the form PTO-948 that accompanied the Information Disclosure Statement, evidence that consideration by making appropriate notations on the form, and return a copy of the annotated form with the next communication from the U.S. Patent and Trademark Office. The same is also requested for the Information Disclosure Statement that was filed March 30, 2007, i.e., after the Office Action was issued.

### **Summary of the Response to the Office Action**

Paragraphs 0051, 0060, 0078 and 0095 have been amended to correct typographical errors. No new matter has been entered.

Claims 1-4 have been amended, claims 5-16 remain as previously presented, and new claims 17-20 have been added.

Accordingly, consideration of claims 1-20 is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Independent claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Gobel. These rejections are respectfully traversed in view of the above amendments and the following comments.

Claim 1 recites a radiation detector including, *inter alia*, "a main body portion including a radiation detecting portion having a radiation detection probe disposed at a first end of the

manipulation grip for detecting a radiation intensity, and a liquid crystal display portion being disposed near the first end of the manipulation grip,” “a detachable portion with respect to the main body portion,” and “the detachable portion being disposed at a second end of the manipulation grip and including a sound output portion having a speaker for outputting a sound according to the radiation intensity detected by the radiation detecting portion.” Support for these combinations of features may be found in Applicants’ translation of the specification as filed March 18, 2005 at, for example, paragraphs 0044-0050. For example, with reference to Figures 1 and 2, a detachable portion A may include a sound output portion 7 that is disposed at a proximal end of a manipulation grip 1 and includes a speaker 7A fixed in a grip end portion 1A, and a main body portion B may include a radiation detecting probe 2 and a liquid crystal display portion 6 that are disposed at a distal end of the manipulation grip 1. Thus, Applicants’ sound output portion and liquid crystal display may be located near opposite ends of the manipulation grip such that an operator can readily determine the radiation detection status that is detected by the detector, even when one or the other of the sound output portion and liquid crystal display may be difficult for the operator to evaluate. Moreover, the main body portion B may be removed from detachable portion A so that the main body portion B may be sterilized without affecting the components of the detachable portion A. See Applicants’ translation of the specification as filed March 18, 2005 at, for example, paragraph 0058.

Claim 2 recites a radiation detector including, *inter alia*, “a main body portion including a radiation detecting portion having a radiation detection probe disposed at a first end of the manipulation grip for detecting a radiation intensity, and a liquid crystal display portion being disposed near the first end of the manipulation grip,” “a detachable portion with respect to the main body portion,” and “the detachable portion being disposed at a second end of the manipulation grip and including a power supply switch portion for turning on/off the power supply portion.” Support for these combinations of features may also be found in Applicants’ translation of the specification as filed March 18, 2005 at, for example, paragraphs 0044-0051. For example, with reference to Figures 7 and 8, a detachable portion A may include a power supply switch portion 4 that is disposed in a grip end portion 1A at a proximal end of a manipulation grip 1, and a main body portion B may include a radiation detecting probe 2 and a liquid crystal display portion 6 that are disposed at a distal end of the manipulation grip 1. Thus,

Applicants' power supply switch portion and liquid crystal display may be located near opposite ends of the manipulation grip, and the main body portion B may be removed from detachable portion A so that the main body portion B may be sterilized without affecting the components of the detachable portion A. *See* Applicants' translation of the specification as filed March 18, 2005 at, for example, paragraphs 0071-0075.

Claim 3 recites a radiation detector including, *inter alia*, "a main body portion including a radiation detecting portion having a radiation detection probe disposed at a first end of the manipulation grip for detecting a radiation intensity, and a liquid crystal display portion being disposed near the first end of the manipulation grip," "an integrated component being detachable with respect to the main body portion," and "the integrated component integrally including a power supply portion including a battery for supplying power at least to the radiation detecting portion, and a power supply switch portion for turning on/off the power supply portion."

Support for these combinations of features may be found in Applicants' translation of the specification as filed March 18, 2005 at, for example, paragraphs 0044-0050. For example, with reference to Figure 24, a detachable portion A may include a power supply portion 3 and a power supply switch portion 4 that are disposed in a lower grip body portion 1B of a manipulation grip 1, and a main body portion B may include a radiation detecting probe 2 and a liquid crystal display portion 6 that are disposed at a distal end of the manipulation grip 1. Thus, Applicants' power supply and power supply switch portions may be integrally combined, and the main body portion B may be removed from detachable portion A so that the main body portion B may be sterilized without affecting the components of the detachable portion A. *See* Applicants' translation of the specification as filed March 18, 2005 at, for example, paragraphs 0105-0107.

Claim 4 recites a radiation detector including, *inter alia*, "a main body portion including a radiation detecting portion having a radiation detection probe disposed at a first end of the manipulation grip for detecting a radiation intensity, and a liquid crystal display portion being disposed near the first end of the manipulation grip and outputting an image display of the radiation intensity detected by the radiation detecting portion," "a sound output portion having a speaker for outputting a sound according to a radiation intensity detected by the radiation detecting portion," "a detachable portion with respect to the main body portion," and "the detachable portion being disposed at a second end of the manipulation grip and including a

detection sensitivity variable portion for varying a detection sensitivity of the radiation detecting portion and a display variable portion for varying at least one of the sound output portion and the liquid crystal display portion.” Support for these combinations of features may also be found in Applicants’ translation of the specification as filed March 18, 2005 at, for example, paragraphs 0044-0050 and 0109-0112. For example, with reference to Figure 24, a detachable portion A may include a detection sensitivity variable knob 12 and a volume variable knob 13 that are disposed in a grip end portion 1A at a proximal end of a manipulation grip 1, and a main body portion B may include a radiation detecting probe 2 and a liquid crystal display portion 6 that are disposed at a distal end of the manipulation grip 1. Again, Applicants’ main body portion B may be removed from detachable portion A so that the main body portion B may be sterilized without affecting the components of the detachable portion A.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must, among other things, teach or suggest all of the claim limitations. See In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In addition, “all words in a claim must be considered in judging the patentability of that claim against the prior art. See In re Wilson, 424 F.2d 1382, 1385; 165 USPQ 494, 496 (CCPA 1970). See MPEP § 2143.03. It is respectfully submitted that Gobel fails to teach each and every feature recited in claims 1-4.

Gobel states at paragraphs 0042 and 0043 that a cover lid 14 with an LCD display 50 “can be taken off from the front housing part so as thereby to permit access to the interior of the housing 1, in particular to the power supply device.” Otherwise, it is respectfully submitted that Gobel is silent as to any other detachability.

In particular, it is respectfully submitted that Gobel fails to teach or suggest a detachable portion that includes at least one of a sound output portion having a speaker for outputting a sound according to the radiation intensity detected by the radiation detecting portion, a power supply switch portion for turning on/off a power supply portion for supplying power at least to the radiation detecting portion, a detection sensitivity variable portion for varying a detection sensitivity of the radiation detecting portion, and a display variable portion for varying at least the sound output portion, as recited in at least one of Applicants’ independent claims 1-4, and as recited new independent claim 17. Moreover, Gobel explicitly teaches against disposing a liquid

crystal display portion away from a detachable portion, as recited in Applicants' independent claims 1, 2 and 4.

Applicants also respectfully traverse the assertion in the Office Action that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gobel's radiation detector apparatus to separate components from the main body so that the part can be sterilized or replaced if faulty or damaged. In particular, Gobel is silent as to any form of detachability for the purpose of sterilization, much less teaching or suggesting particular components that may be detachable to avoid damage while performing sterilization. With regard to Gobel's paragraphs 0022 and 0055, cited in the Office Action with respect to sterilization, it is respectfully submitted that Gobel explicitly teaches away from detachability with regard to sterilization insofar as Gobel's detector is apparently arranged and configured (i.e., "a shape free from undercuts, and/or can be sterilized from [sic] with the aid of known medical sterilization methods" and "membrane switches or membrane momentary-contact pushbuttons with a plastic or metal membrane must likewise fulfill the above described requirements for sterilizability") so as to facilitate sterilization without detachability.

For at least any of the above reasons, it is respectfully submitted that the rejections under 35 U.S.C. § 103(a) of independent claims 1-4 should be withdrawn, and that these claims are allowable over Gobel.

As discussed in *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." Claims 5-16 depend from one of independent claims 1-4, and therefore recite the same allowable combinations of features, as well as reciting additional features that further distinguish over Gobel. Thus, it is respectfully submitted that the rejections under 35 U.S.C. § 103(a) of claims 5-16 should be withdrawn, and that these claims are also allowable.

As discussed above, new independent claim 17 is similarly allowable over Gobel. Claims 18-20 depend from independent claim 17 and therefore recite the same allowable combinations of features, as well as reciting additional features that further distinguish over Gobel. Accordingly, it is respectfully submitted that claims 17-20 are also allowable. No new matter has been entered.

**CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.


**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: May 11, 2007

By: \_\_\_\_\_



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